

**TOMATOES AND TOMATO PRODUCTS**

**20688. Adulteration of canned tomatoes. U. S. v. 770 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 35663, 35664. Sample Nos. 57606-L, 72300-L.)**

**LIBELS FILED:** September 24, 1953, District of Columbia.

**ALLEGED SHIPMENT:** On or about July 13 and August 5, 1953, by the Torsch Canning Co., from Milford, Del.

**PRODUCT:** 880 cases, each containing 24 cans, of tomatoes at Washington, D. C.

**LABEL, IN PART:** (Can) "Monitor Brand Tomatoes Contents 1 Lb."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** October 22, 1953. Default decrees of condemnation. The court ordered that the product be delivered to the National Zoological Park for its use and not for sale.

**20689. Adulteration of tomato paste. U. S. v. 39 Cases \* \* \*. (F. D. C. No. 35370. Sample No. 49650-L.)**

**LIBEL FILED:** August 11, 1953, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 26, 1953, by the Allied Cannery & Packers, from San Francisco, Calif.

**PRODUCT:** 39 cases, each containing 96 cans, of tomato paste at New York, N. Y.

**LABEL, IN PART:** (Can) "Gondola Brand California Tomato Paste With Basil Net Weight 6 Oz. or 170 Grams."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 16, 1953. Default decree of condemnation and destruction.

**OILS AND FATS**

**20690. Action to enjoin and restrain the interstate shipment of adulterated crude cottonseed oil and crude soybean oil. U. S. v. Mississippi Cottonseed Products Co. Consent decree of permanent injunction entered. (Inj. No. 264.)**

**COMPLAINT FILED:** June 2, 1953, Southern District of Mississippi, against the Mississippi Cottonseed Products Co., a corporation having its principal place of business at Jackson, Miss., and operating plants under the names of the Greenville Oil Works at Greenville, Miss., and the Humphrey's County Oil Mill at Belzoni, Miss.

**NATURE OF CHARGE:** That the defendant was engaged in the manufacture and distribution of crude cottonseed oil and crude soybean oil and had been and was at the time of filing the complaint introducing and causing to be introduced into interstate commerce such articles which were adulterated within the meaning of Section 402 (a) (3) and (4) in that they consisted in part of filthy substances by reason of the presence of rodent and insect filth and by reason of the use of raw materials contaminated with rodent and insect filth,

and in that such articles had been and were being prepared and held at the defendant's plants under insanitary conditions whereby the articles may have become contaminated with filth; that the insanitary conditions in the defendant's plants resulted from the presence of dead mice, rodent excreta, rodent urine, insects, and insect fragments in and around places in the plants where the articles were manufactured, prepared, and held; and that the insanitary conditions resulted also from general carelessness whereby the articles in the plants were subjected to contamination.

The complaint alleged further that the defendant continued to introduce and caused to be introduced into interstate commerce crude cottonseed oil and crude soybean oil adulterated as described above, and alleged on information and belief that the defendant would continue to do so unless restrained.

**DISPOSITION:** June 23, 1953. The defendant having consented to the entry of a decree, an injunction was entered perpetually enjoining and restraining the defendant from introducing and causing to be introduced into interstate commerce crude cottonseed oil and crude soybean oil or any other such articles manufactured and prepared at defendant's plants and adulterated within the meaning of Section 402 (a) (3) and (4).

### OLEOMARGARINE

20691. Interstate shipment of adulterated and misbranded oleomargarine and sale and offering for sale of colored oleomargarine. U. S. v. Alfred Silberman (Sunny Brook Dairy Co.). Plea of guilty. Fine \$400. (F. D. C. No. 33771. Sample No. 24221-L.)

**INDICTMENT RETURNED:** April 22, 1953, Northern District of New York, against Alfred Silberman, trading as the Sunny Brook Dairy Co., Saratoga Springs, N. Y.

**NATURE OF CHARGE:** The defendant violated Section 301 (a), by the introduction into interstate commerce, at Saratoga Springs, N. Y., for delivery to Secaucus, N. J., of a quantity of colored oleomargarine represented as butter, which was adulterated under Section 402 (b) (2), in that colored oleomargarine had been substituted for butter, and which was misbranded under Section 403 (i) (1), in that the label of the article failed to bear the common or usual name of the article, namely, colored oleomargarine or colored margarine, and under Section 403 (i) (2), in that the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

The defendant violated also Section 301 (m) by causing to be sold and offered for sale a quantity of colored oleomargarine or colored margarine which was not labeled as required by Section 407 (b) (3) with (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label and (B) a statement of the ingredients contained in such colored oleomargarine or colored margarine.

**DISPOSITION:** December 10, 1953. The defendant having entered a plea of guilty, the court fined him \$400.

### SPICES, FLAVORS, AND SEASONING MATERIALS

20692. Adulteration of coriander seed. U. S. v. 60 Bags \* \* \*. (F. D. C. No. 35643. Sample No. 51916-L.)

**LABEL FILED:** September 28, 1953, Southern District of New York.